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# NEXSEN | PRUET

**J. David Black**  
Associate  
Admitted in SC

July 8, 2005

**BY HAND DELIVERY**

Charles L. A. Terreni  
Chief Clerk & Administrator  
Public Service Commission of South Carolina  
Post Office Drawer 11649  
Executive Center Drive, Suite 100  
Columbia, South Carolina 29210


**Re: South Carolina Electric & Gas Company vs. Aiken Electric  
Cooperative, Inc. / Docket No. 2005-180-E**

Dear Mr. Terreni:

Enclosed herewith for filing with your office is the original and eleven copies of the **Notice of Appearance and Defendant Aiken Electric Cooperative, Inc.'s Motion to Vacate, Modify And/Or Reconsider the Commission's Order to Consolidate**. Please return a copy of each, clocked-in, with the courier.

By copy of this letter and as evidenced by the attached Certificates of Service, we are serving counsel of record and the Office of Regulatory Staff with five copies of the above-referenced documents.

Very truly yours,



J. David Black

JDB/vlm

Enclosures

cc w/encl.: Thornwell F. Sowell, Esquire  
Robert E. Tyson, Jr., Esquire  
Robert E. Stepp, Esquire  
Patricia Banks Morrison, Esquire  
Mr. C. Dukes Scott

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Nexsen Pruet Adams Kleemeier, LLC  
**Attorneys and Counselors at Law**

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 2005-180-E

IN RE:

South Carolina Electric & Gas Company,

Complainant/Petitioner

vs.

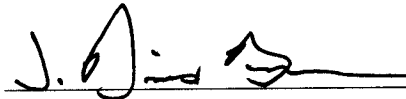
Aiken Electric Cooperative, Inc.,

Defendant.

**NOTICE OF APPEARANCE**

YOU WILL PLEASE TAKE NOTICE THAT, effective immediately, Val H. Stieglitz in addition to Marcus A. Manos and J. David Black of Nexsen Pruet, LLC will be counsel of record in the above-captioned matter. Henceforth, Aiken Electric Cooperative, Inc. will be represented by:

Val H. Stieglitz, Esquire  
Marcus A. Manos, Esquire  
J. David Black, Esquire  
NEXSEN PRUET, LLC,  
1441 Main Street, Suite 1500  
Post Office Drawer 2426  
Columbia, South Carolina 29201



Marcus A. Manos  
J. David Black  
NEXSEN PRUET ADAMS KLEEMEIER, LLC  
1441 Main Street, Suite 1500  
Columbia, South Carolina 29202  
(803) 771-8900

Attorneys for Defendant Aiken Electric  
Cooperative, Inc.

July 8, 2005  
Columbia, South Carolina

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 2005-180-E

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vs.

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Defendant.

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing **Notice Of Appearance** has been served upon the following counsel of record by hand-delivering a copy of the same, addressed to the following as shown below this 8<sup>th</sup> day of July, 2005.

Thornwell F. Sowell, Esquire  
Robert E. Stepp, Esquire  
Robert E. Tyson, Jr., Esquire  
SOWELL GRAY STEPP & LAFFITTE, L.L.C.  
1310 Gadsden Street  
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Patricia Banks Morrison  
SCANA Services, Inc.  
Legal Dept., Mail Code 130  
1426 Main Street  
Columbia, South Carolina 29218

Mr. C. Dukes Scott  
Executive Director  
Office of Regulatory Staff  
1441 Main Street, Third Floor  
Post Office Box 11263  
Columbia, South Carolina 29211

  
NEXSEN PRUET ADAMS KLEEMEIER, LLC

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 2005-180-E

IN RE:

South Carolina Electric & Gas Company

Complainant/Petitioner,

vs.

Aiken Electric Cooperative, Inc.,

Defendant.

**DEFENDANT AIKEN ELECTRIC  
COOPERATIVE, INC.'S MOTION TO  
VACATE, MODIFY AND/OR  
RECONSIDER THE COMMISSION'S  
ORDER TO CONSOLIDATE**

The Defendant, Aiken Electric Cooperative, Inc. ("Aiken Electric"), hereby moves the Court for an Order, pursuant to Regulation 103-880(D) and 103-881 modifying the Commission's June 30 and July 7, 2005 Order consolidating Docket Number 2005-180-E with Docket Number 2003-254-E. This motion is made upon the grounds that:

1. Commission procedural Regulation 103-841 provides that Defendant has 30 days to respond to a complaint.
2. The Complaint in Docket Number 2005-190-E was received by Aiken Electric on June 17, 2004.
3. Pursuant to Regulation 103-841, Aiken Electric's Answer is due 30 days from receipt on July 17, 2005.
4. Because Aiken Electric's Answer is due on July 17, 2005, fundamental due process requires that the Commission not rule on an important procedural motion, such as a Motion to Consolidate, until Aiken has made an appearance and filed an Answer in the underlying action. Otherwise, Aiken Electric has no ability to be heard on the issue.

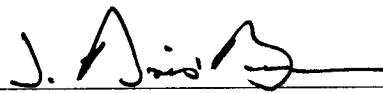
5. Aiken Electric intends to object to the Motion to Consolidate Docket Number 2005-180-E with Docket Number 2003-254-E as the two cases are entirely unrelated as they deal with independent service issues on two separate parcels of property in different municipalities - Monetta and Swansea, South Carolina.

6. Aiken Electric further objects to the consolidation due to the Commission and Circuit Court's determination that Regulation 103-304 issues are not ripe for review as the Commission is still in the process of determining the proper scope of Regulation 103-304.

7. Aiken Electric intends to file its Answer and Brief in Opposition to South Carolina Electric & Gas Company's Motion to Consolidate on July 17, 2005.

8. Accordingly, Aiken Electric respectfully requests that the Commission withdraw, revise, or modify its June 30<sup>th</sup> Consolidation Order and set the Consolidation Motion for a hearing after July 18, 2005.

This Motion is based upon the record, the applicable law, and any legal memorandum, affidavits, or other evidentiary materials served prior to, or at the hearing.



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Val H. Steiglitz  
Marcus A. Manos  
J. David Black  
NEXSEN PRUET ADAMS KLEEMEIER, LLC  
1441 Main Street, Suite 1500  
Post Office Drawer 2426  
Columbia, South Carolina 29202  
(803) 771-8900

July 8<sup>th</sup>, 2005

Columbia, South Carolina

Attorneys for Defendant Aiken Electric  
Cooperative, Inc.

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DOCKET NO. 2005-180-E

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This is to certify that a copy of the foregoing **DEFENDANT AIKEN ELECTRIC COOPERATIVE, INC.'S MOTION TO VACATE, MODIFY AND/OR RECONSIDER THE COMMISSION'S ORDER TO CONSOLIDATE** has been served upon the following counsel of record by depositing a copy of the same, first-class postage prepaid, in the United States Mail, addressed to the following as shown below this \_\_\_\_ day of July, 2005.

Thornwell F. Sowell, Esquire  
Robert E. Stepp, Esquire  
Robert E. Tyson, Jr., Esquire  
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